



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

SENATE BILL NO. 124

WEDNESDAY, FEBRUARY 29, 2012

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kim Perry

1 AN ACT relating to motor vehicle operator's licenses.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 186.450 is amended to read as follows:

4 (1) A person who is at least sixteen (16) years of age may apply for an instruction
5 permit to operate a motor vehicle. A person who possesses a valid motor vehicle
6 operator's license or a person who is at least eighteen (18) years of age may apply
7 for an instruction permit to operate a motorcycle. A holder of either a motor vehicle
8 or motorcycle instruction permit may also operate a moped under that permit. A
9 person applying for an instruction permit under this section shall make application
10 in the office of the circuit clerk in the county where the person lives. A person
11 applying for an instruction permit shall be required to comply with the following:

12 (a) If the person is under the age of eighteen (18), the instruction permit
13 application shall be signed by the applicant's parent or legal guardian. If the
14 person does not have a living parent or does not have a legal guardian, the
15 instruction permit application shall be signed by a person willing to assume
16 responsibility for the applicant pursuant to KRS 186.590; and

17 (b) All applicants for an instruction permit shall comply with the examinations
18 required by KRS 186.480.

19 (2) If an applicant successfully passes the examinations required by KRS 186.480, the
20 applicant shall be issued an instruction permit upon payment of a six dollar (\$6) fee
21 pursuant to KRS 186.531.

22 (3) (a) An instruction permit shall be valid for three (3) years and may be renewed.

23 (b) Except as provided in KRS 186.415, a person who has attained the age of
24 sixteen (16) years and is under the age of eighteen (18) years shall have the
25 instruction permit a minimum of one hundred eighty (180) days before
26 applying for an intermediate license and shall have an intermediate license for
27 a minimum of one hundred eighty (180) days before applying for an operator's

1 license.

2 (c) A person who was under eighteen (18) years of age at the time of application
3 for an instruction permit and is eighteen (18) years of age or older shall have
4 the instruction permit a minimum of one hundred eighty (180) days and
5 complete a driver training program under KRS 186.410(4) before applying for
6 an operator's license.

7 (d) A person who is at least eighteen (18) years of age and is under the age of
8 twenty-one (21) years at the time of application for an instruction permit shall
9 have the instruction permit a minimum of one hundred eighty (180) days
10 before applying for an operator's license.

11 (e) A person who is at least twenty-one (21) years of age at the time of
12 application for an instruction permit shall have the instruction permit a
13 minimum of thirty (30) days before applying for an operator's license.

14 (4) (a) A person shall have the instruction permit in his possession at all times when
15 operating a motor vehicle, motorcycle, or moped upon the highway.

16 (b) When operating a motor vehicle, a motor vehicle instruction permit holder
17 shall be accompanied by a person with a valid operator's license who is at
18 least twenty-one (21) years of age occupying the seat beside the operator at all
19 times.

20 (c) The requirements of paragraph (b) of this subsection shall not apply to a
21 motor vehicle instruction permit holder being supervised on a multiple-
22 vehicle driving range by a driver training instructor affiliated with a driver
23 training school licensed under KRS Chapter 332 or a public or nonpublic
24 secondary school.

25 (5) A person with an instruction permit who is under the age of eighteen (18) shall not
26 operate a motor vehicle, motorcycle, or moped between the hours of 12 midnight
27 and 6 a.m. unless the person can demonstrate good cause for driving, including but

1 not limited to emergencies, involvement in school-related activities, or involvement
2 in work-related activities.

3 (6) Except when accompanied by a driver training instructor affiliated with a driver
4 training school licensed under KRS Chapter 332 or a public or nonpublic secondary
5 school, a person with an instruction permit who is under the age of eighteen (18)
6 years shall not operate a motor vehicle at any time when accompanied by more than
7 one (1) unrelated person who is under the age of twenty (20) years. A peace officer
8 shall not stop or seize a person nor issue a uniform citation for a violation of this
9 subsection if the officer has no other cause to stop or seize the person other than a
10 violation of this subsection. This subsection shall not apply to any operator of a
11 vehicle registered under the provisions of KRS 186.050(4) who is engaged in
12 agricultural activities.

13 (7) A violation under subsection (4), (5), or (6) of this section, a conviction for a
14 moving violation under KRS Chapter 189 for which points are assessed by the
15 cabinet, or a conviction for a violation of KRS 189A.010(1) shall add an additional
16 minimum of one hundred eighty (180) days from the date of the violation before a
17 person who is under the age of eighteen (18) years may apply for an intermediate
18 license to operate a motor vehicle, motorcycle, or moped.

19 (8) A person under the age of eighteen (18) who accumulates more than six (6) points
20 against his driving privilege may have the driving privilege suspended pursuant to
21 KRS Chapter 186 or probated by the court.

22 (9) An applicant for relicensing after revocation shall pay the clerk a fee of twenty-five
23 dollars (\$25). The twenty-five dollar (\$25) fee shall not apply to any person whose
24 license was suspended for failure to meet the conditions described in KRS 186.411
25 when, within one (1) year of suspension, the driving privileges of such individuals
26 are reinstated and persons reinstated pursuant to KRS 159.051.

27 ➔Section 2. KRS 186.010 is amended to read as follows:

- 1 (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet;
 2 except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270,
 3 means the Transportation Cabinet only with respect to motor vehicles, other than
 4 commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the
 5 Department of Vehicle Regulation when used with respect to commercial vehicles.
- 6 (2) "Highway" means every way or place of whatever nature when any part of it is open
 7 to the use of the public, as a matter of right, license, or privilege, for the purpose of
 8 vehicular traffic.
- 9 (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who
 10 will, under normal conditions during the year, manufacture or assemble at least ten
 11 (10) new motor vehicles.
- 12 (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in
 13 paragraph (a) of subsection (8) of this section, which are propelled otherwise than
 14 by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as
 15 defined in paragraph (b) of subsection (8) of this section, which are self-propelled.
 16 "Motor vehicle" shall not include a moped as defined in this section, but shall
 17 include low-speed vehicles as defined in this section.
- 18 (5) "Moped" means either a motorized bicycle whose frame design may include one (1)
 19 or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a
 20 motorized bicycle with a step-through type frame which may or may not have
 21 pedals rated no more than two (2) brake horsepower, a cylinder capacity not
 22 exceeding fifty (50) cubic centimeters, an automatic transmission not requiring
 23 clutching or shifting by the operator after the drive system is engaged, and capable
 24 of a maximum speed of not more than thirty (30) miles per hour.
- 25 (6) "Operator" means any person in actual control of a motor vehicle upon a highway.
- 26 (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who
 27 pursuant to a bona fide sale has received physical possession of the vehicle

1 subject to any applicable security interest.

2 (b) A vehicle is the subject of an agreement for the conditional sale or lease, with
3 the vendee or lessee entitled to possession of the vehicle, upon performance of
4 the contract terms, for a period of three hundred sixty-five (365) days or more
5 and with the right of purchase upon performance of the conditions stated in
6 the agreement and with an immediate right of possession vested in the
7 conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to
8 possession, the conditional vendee or lessee or mortgagor shall be deemed the
9 owner.

10 (c) A licensed motor vehicle dealer who transfers physical possession of a motor
11 vehicle to a purchaser pursuant to a bona fide sale, and complies with the
12 requirements of KRS 186A.220, shall not be deemed the owner of that motor
13 vehicle solely due to an assignment to his dealership or a certificate of title in
14 the dealership's name. Rather, under these circumstances, ownership shall
15 transfer upon delivery of the vehicle to the purchaser, subject to any
16 applicable security interest.

17 (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the
18 transportation of persons or property over or upon the public highways of this
19 Commonwealth and all vehicles passing over or upon said highways,
20 excepting road rollers, road graders, farm tractors, vehicles on which power
21 shovels are mounted, such other construction equipment customarily used
22 only on the site of construction and which is not practical for the
23 transportation of persons or property upon the highways, such vehicles as
24 travel exclusively upon rails, and such vehicles as are propelled by electric
25 power obtained from overhead wires while being operated within any
26 municipality or where said vehicles do not travel more than five (5) miles
27 beyond the city limit of any municipality.

1 (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon or
2 by which any person or property is or may be transported or drawn upon a
3 public highway, excepting devices moved by human and animal power or
4 used exclusively upon stationary rails or tracks, or which derives its power
5 from overhead wires.

6 (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640
7 apply to operator's licenses.

8 (10) "Dealer" means any person engaging in the business of buying or selling motor
9 vehicles.

10 (11) "Commercial vehicles" means all motor vehicles that are required to be registered
11 under the terms of KRS 186.050, but not including vehicles primarily designed for
12 carrying passengers and having provisions for not more than nine (9) passengers
13 (including driver), motorcycles, sidecar attachments, pickup trucks and passenger
14 vans which are not being used for commercial or business purposes, and motor
15 vehicles registered under KRS 186.060.

16 (12) "Resident" means any person who has established Kentucky as his or her state of
17 domicile. Proof of residency shall include but not be limited to a deed or property
18 tax bill, utility agreement or utility bill, or rental housing agreement. The possession
19 by an operator of a vehicle of a valid Kentucky operator's license shall be prima-
20 facie evidence that the operator is a resident of Kentucky.

21 (13) "Special status individual" means:

22 (a) "Asylee" means any person lawfully present in the United States who
23 possesses an I-94 card issued by the United States Department of Justice,
24 Immigration and Naturalization Service, on which it states "asylum status
25 granted indefinitely pursuant to Section 208 of the Immigration & Nationality
26 Act";

27 (b) "K-1 status" means the status of any person lawfully present in the United

1 States who has been granted permission by the United States Department of
 2 Justice, Immigration and Naturalization Service to enter the United States for
 3 the purpose of marrying a United States citizen within ninety (90) days from
 4 the date of that entry;

5 (c) "Refugee" means any person lawfully present in the United States who
 6 possesses an I-94 card issued by the United States Department of Justice,
 7 Immigration and Naturalization Service, on which it states "admitted as a
 8 refugee pursuant to Section 207 of the Immigration & Nationality Act"; and

9 (d) "Paroled in the Public Interest" means any person lawfully present in the
 10 United States who possesses an I-94 card issued by the United States
 11 Department of Justice, Immigration and Naturalization Service, on which it
 12 states "paroled pursuant to Section 212 of the Immigration & Nationality Act
 13 for an indefinite period of time."

14 (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle
 15 instruction permits.

16 (15) "Motorcycle" means any motor driven vehicle having a seat or saddle for the use of
 17 the operator and designed to travel on not more than three (3) wheels in contact
 18 with the ground, including vehicles on which the operator and passengers ride in an
 19 enclosed cab. "Motorcycle" shall include an alternative-speed motorcycle as defined
 20 in this section, but shall not include a tractor or a moped as defined in this section.

21 (16) "Low-speed vehicle" means a motor vehicle that:

22 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
 23 combination thereof;

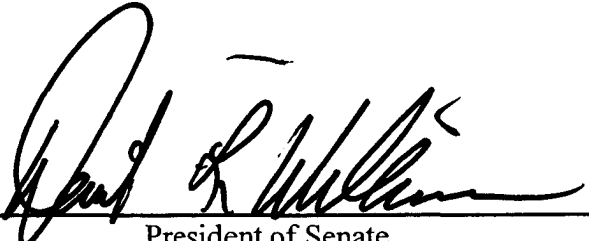
24 (b) Is four (4) wheeled; and

25 (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour
 26 as certified by the manufacturer.

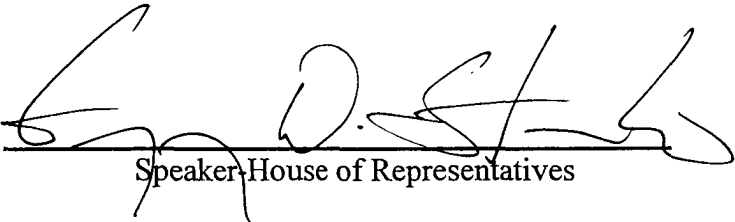
27 (17) "Alternative-speed motorcycle" means a motorcycle that:

- 1 (a) Is self-propelled using an electric motor, combustion-driven motor, or a
- 2 combination thereof;
- 3 (b) Is three (3) wheeled;
- 4 (c) Has a fully enclosed cab and includes at least one (1) door for entry; and
- 5 (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as
- 6 certified by the manufacturer.

7 (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a
8 highway or otherwise open to the public on which a number of motor vehicles
9 may be used simultaneously to provide driver training under the supervision of
10 one (1) or more driver training instructors.



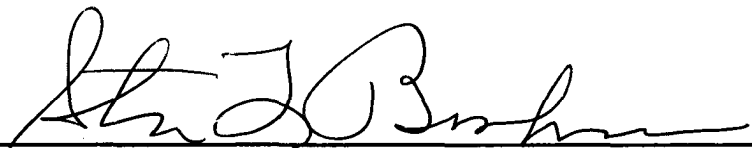
President of Senate



Speaker House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3-28-12